

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Nicholas Dodge Bruesch,

Plaintiff,

vs.

Brandi Netolicky, Lyle Mee, and
Paul Belisle,

Defendants.

Civil No. 3:13-cv-50

REPORT AND RECOMMENDATION

Plaintiff filed a motion for entry of default against defendants on December 19, 2013. (Doc. #25). Plaintiff contends entry for default should be entered because “[m]ore than 20-30 days have elapsed since the date on which Defendants were served with summons and a copy of Plaintiff’s complaint.” *Id.* Under Rule 12(a)(i)(ii), the defendant must serve an answer within 60 days after the request for a waiver was sent. Fed. R. Civ. P. 12(a)(i)(ii). The request for waiver of service was sent on November 15, 2013. (Doc. #21) Accordingly, defendants have until January 15, 2014 to file an answer. **IT IS RECOMMENDED** that plaintiff’s motion for entry of default (Doc. # 25) be **DENIED**.

Dated this 20th day of December, 2013.

/S/ Karen K. Klein
Karen K. Klein
United States Magistrate Judge

NOTICE OF RIGHT TO OBJECT

Pursuant to Rule 72(a) and (b), Federal Rules of Civil Procedure, and District of North Dakota Local Court Civil Rule 72.1(D)(2) and (3), any party may object to this Report and Recommendation by filing with the Clerk of Court no later than January 6, 2014, a pleading specifically identifying those portions of the Report and Recommendation to which objection is made and the basis of any objection. Failure to object or to comply with this procedure may forfeit the right to seek review in the Court of Appeals.